

Serial No. 09/653,735  
Attorney Docket No. 65678-0032

### AMENDMENTS TO THE CLAIMS

In the claims:

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1. (Previously Amended) A system for gathering and analyzing data relating to a non-fixed movable asset comprising:

a local controller located at a first location for acquiring data that is representative of at least one operating characteristic of the asset;

an analysis controller located at a second location that is responsive to said acquired data from said local controller for generating an analysis of said acquired data; and

an electronic communications network connected between said local controller and said analysis controller and permitting transmission of said acquired data from said local controller to said analysis controller; and

a sub-system that analyzes said at least one operating characteristic of the asset to determine a lease rate for the asset, the lease rate being a variable.

2. (Original) A system as recited in claim 1, wherein said lease rate includes a minimum charge if said operating characteristic is below a pre-determined threshold.

3. (Original) A system as recited in claim 1, wherein said lease rate includes a surcharge if said operating characteristic is above a pre-determined threshold.

4. (Original) A system as recited in claim 1, wherein said lease rate includes a minimum charge if said operating characteristic is below a pre-determined threshold and a surcharge if said operating characteristic is above a pre-determined threshold.

5. (Currently Amended) A system as recited in claim 1, wherein there are a plurality of operating characteristics used to determine said lease rate.

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6. (Original) A system as recited in claim 5, wherein said plurality of operating characteristics includes time of operation within a fixed period of time.

7. (Previously Amended) A system as recited in claim 1, said analysis controller receiving maintenance information affecting said operating characteristic, said maintenance information affecting said lease rate.

8. (Previously Amended) A system as recited in claim 1, said analysis controller receiving maintenance information affecting said operating characteristic, wherein a first party represents an asset user and a second party represents at least one of an asset supplier and a maintenance organization, and further comprising an asset owner, wherein said asset owner analyzes said maintenance information for a plurality of assets associated with at least one of said asset supplier and said maintenance organization to evaluate its relationship based on overall maintenance performance.

9 - 11. (Cancelled)

12. (Original) A system as recited in claim 1, wherein said asset is limited to motion in a pre-determined geographic region to ensure the acquisition of the data.

13. (Original) A method for gathering and analyzing data relating to an asset comprising the steps of:

activating a local controller located at a first location;  
acquiring data that is representative of at least one operating characteristic of the asset which is communicated from the asset to said local controller;  
transmitting said operating characteristic at pre-determined intervals from said local controller to an analysis controller located at a second location using an electronic communications network connected between said local controller and said analysis controller; and

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a sub-system receiving data from said analysis controller and using said data, including said at least one operating characteristic of the asset, and

determining a lease rate for the asset based in part on said at least one operating characteristic of the asset.

14. (Original) A method as recited in claim 13, said at least one operating characteristic representing an objective criteria, said determining step comprising the sub-steps of measuring said criteria and generating a usage-based analysis of asset utilization.

15. (Original) A method as recited in claim 14, said determining step comprising the sub-step of charging a minimum lease rate when said asset utilization is below a pre-determined threshold.

16. (Original) A method as recited in claim 14, said determining step comprising the sub-step of charging a surcharge when said asset utilization exceeds a pre-determined threshold.

17. (Original) A method as recited in claim 14, said determining step comprising the sub-steps of charging a minimum lease rate when said asset utilization is below a first pre-determined threshold and charging a surcharge when said asset utilization exceeds a second pre-determined threshold.

18. (Original) A system for gathering and analyzing data relating to a non-fixed movable asset limited to motion in a predetermined geographic region to ensure the acquisition of said data comprising:

a local controller located at a first location for acquiring data that is representative of at least one operating characteristic of the asset;

an analysis controller located at a second location that is responsive to said acquired data from said local controller for generating an analysis of said acquired data,

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said analysis controller receiving maintenance information affecting said operating characteristic; and

an electronic communications network connected between said local controller and said analysis controller and permitting transmission of said acquired data from said local controller to said analysis controller; and

a sub-system that analyzes said at least one operating characteristic of the asset to determine a lease rate for the asset, an asset owner establishing said lease rate and analyzing said maintenance information as a factor in setting said lease rate.

19. (Original) A system as recited in claim 18, wherein said lease rate includes a minimum charge if said operating characteristic is below a pre-determined threshold or a surcharge if said operating characteristic is above a pre-determined threshold.

20. (Original) A system as recited in claim 18, wherein a first party comprises an asset owner and a second party represents at least one of an asset supplier and a maintenance organization, and wherein said asset owner analyzes said maintenance information for a plurality of assets associated with at least one of said asset supplier and said maintenance organization to evaluate its relationship based on overall maintenance performance.

21. (Previously added) A system as recited in claim 1, wherein said lease rate is lower if timely maintenance is performed and said lease rate is higher if said maintenance is untimely.

22. (Previously added) A system as recited in claim 1, wherein said lease rate is based on a hybrid lease arrangement comprising the following elements:

a minimum payment that has to be made if measurement of said operating characteristic is below a pre-determined minimum threshold;

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a usage based-payment if measurement of said operating characteristic is above said pre-determined minimum threshold and below a pre-determined maximum threshold;

a penalty payment or surcharge if measurement of said operating characteristic is higher than said pre-determined maximum threshold.

23. (Previously added) A system as recited in claim 22, wherein said operating characteristic is utilization.

24. (Previously added) A system as recited in claim 22, comprising the further element of adjusting said lease rate based on a determination of asset maintenance timeliness.